

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION, a  
Washington corporation,

Plaintiff,

v.

MOTOROLA, INC., MOTOROLA  
MOBILITY LLC, and GENERAL  
INSTRUMENT CORPORATION,

Defendants.

No.: 2:10-1823-JLR

NON-PARTY VIA LICENSING  
CORPORATION'S MOTION FOR  
CLARIFICATION OF ORDER  
GRANTING IN PART AND DENYING IN  
PART MOTIONS TO SEAL

**NOTE ON MOTION CALENDAR:**

**November 13, 2012**

**I. INTRODUCTION**

Via Licensing Corporation—a non-party to this lawsuit—moved to seal several confidential documents. Among other confidential documents that Via Licensing asked to be sealed were certain licensing agreements, specifically: (1) the executed 802.11 Interim Licensing Committee Agreements (“ILCAs”) (trial exhibits 3185-3192), and (2) the executed 802.11 Commercialization Agreement (“ComAg”) (trial exhibits 1144, 3184, and 3205).<sup>1</sup>

<sup>1</sup> Dkt. No. 543. Via Licensing has now been able to match up its documents with the parties’ trial exhibits. *See* Dkt. No. 550-1.

1 Yesterday, the Court issued an Order granting in part and denying in part several motions to  
 2 seal filed by the parties and non-parties alike, including Via Licensing, ordering that the  
 3 licensing agreements that are the subject of those motions be provisionally sealed.<sup>2</sup>

4 With respect to the motions filed by non-parties, the Court ruled as follows: “All of  
 5 these non-party motions seek to seal the terms of licensing agreements entered into with  
 6 Motorola, Microsoft, and other non-parties.”<sup>3</sup> The Order lists several documents of the  
 7 parties to be provisionally sealed, but does not explicitly include the non-party documents,  
 8 including Via Licensing’s agreements. Thus, Via Licensing respectfully requests that its  
 9 licensing agreements be specifically identified by trial exhibit number (1144, 3184-3192, and  
 10 3205) and provisionally sealed on the record to ensure that they are treated as such by the  
 11 parties and the Clerk, consistent with the Court’s Order of November 12, 2012.

## 12 **II. ANALYSIS**

13 In its prior motion, Via Licensing requested that confidential agreements with its  
 14 patent licensors—the executed 802.11 ILCAs and the executed 802.11 ComAg—be sealed.<sup>4</sup>  
 15 These documents contain proprietary licensing terms, confidential royalty sharing terms,  
 16 confidential licensing strategies, and other highly-sensitive information that give Via  
 17 Licensing its competitive edge in the marketplace.<sup>5</sup> As noted above, the Court has ruled that  
 18 such licensing agreements should be provisionally sealed.

## 19 **III. CONCLUSION**

20 For the above reasons, Via Licensing respectfully requests that the Court order that  
 21 Trial Exhibits 1144, 3184-3192, and 3205 be provisionally sealed and treated in accordance

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22 <sup>2</sup> Dkt. No. 567.

23 <sup>3</sup> *Id.* at 13.

24 <sup>4</sup> Dkt. No. 544 (Declaration of Keith P. Gray in Support of Non-party Via Licensing Corporation’s  
 25 Motion to Seal Trial Exhibits (“Gray Decl.”) at ¶ 11).

26 <sup>5</sup> *Id.*

1 with the Court's November 12, 2012 Order as it pertains to licensing agreements.

2 DATED: November 13, 2012

3 Bullivant Houser Bailey PC

4  
5 /s/ Matthew J. Sekits

6 Matthew J. Sekits, WSBA #26175

7 E-Mail: matthew.sekits@bullivant.com

8 Daniel R. Bentson, WSBA #36825

9 E-Mail: dan.bentson@bullivant.com

10 Attorneys for Via Licensing

11 Bullivant Houser Bailey PC

12 1700 Seventh Avenue, Suite 1810, Seattle,

13 Washington 98101-1397

14 206.292.8930

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2012, I electronically filed the foregoing with the Clerk of the Court using the e-filing system which will send notification of such filing to the persons listed below:

Attorneys for Microsoft Corp.:

Arthur W. Harrigan, Jr., WSBA #1751  
 Christopher Wion, WSBA #33207  
 Shane P. Cramer, WSBA #35099  
 CALFO HARRIGAN LEYH & EAKES LLP  
 999 Third Avenue Ste. 4400  
 Seattle, WA 98104  
 Phone: 206.623.1700  
 Email: arthurh@calfoharrigan.com  
 Email: chrisw@calfoharrigan.com  
 Email: shanec@calfoharrigan.com

T. Andrew Culbert, WSBA #35925  
 David E. Killough, WSBA #40185  
 MICROSOFT CORPORATION  
 1 Microsoft Way  
 Redmond, WA 98052  
 Phone: 425.882.8080  
 Email: andycu@microsoft.com  
 Email: davkill@microsoft.com

Pro hac vice:

David T. Pritikin  
 Email: dpritikin@sidley.com  
 Richard A. Cederroth  
 Email: rcederth@sidley.com  
 Constantine L. Trela, Jr.  
 Email: ctrela@sidley.com  
 William H. Baumgartner, Jr.  
 Email: wbaumgartner@sidley.com  
 Ellen W. Robbins  
 Email: erobbins@sidley.com  
 Douglas I. Lewis  
 Email: dilewis@sidley.com  
 David C. Giardina  
 Email: dgiardina@sidley.com  
 John W. McBride  
 Email: jwmcbride@sidley.com  
 David Greenfield  
 Email: david.greenfield@sidley.com  
 Nathaniel C. Love  
 Email: nlove@sidley.com  
 SIDLEY AUSTIN LLP  
 One South Dearborn  
 Chicago, IL 60603  
 Phone: 312.853.7000

Attorneys for Motorola Solutions, Inc., and  
 Motorola Mobility, Inc.

Ralph Palumbo, WSBA #04751  
 Philip S. McCune, WSBA #21081  
 Lynn M. Engel, WSBA #21934  
 SUMMIT LAW GROUP  
 315 Fifth Ave., South Ste. 1000  
 Seattle, WA 98104  
 Email: ralphp@summitlaw.com  
 Email: philm@summitlaw.com  
 Email: lynne@summitlaw.com

Pro hac vice:

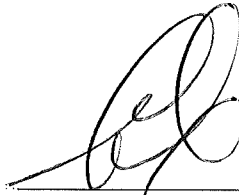
Steven Pepe  
 Jesse J. Jenner  
 ROPES & GRAY LLP  
 1211 Avenue of the Americas  
 New York, NY 10036  
 Phone: 212.596.9046  
 Email: steven.pepe@ropesgray.com  
 Email: jesse.jenner@ropesgray.com

Norman H. Beamer  
 ROPES & GRAY LLP  
 1900 University Ave., 6<sup>th</sup> Floor  
 East Palo Alto, CA 94303  
 Phone: 650.617.4030  
 Email: norman.beamer@ropesgray.com

Paul M. Schoenhard  
 ROPES & GRAY LLP  
 One Metro Center  
 700 12<sup>th</sup> Street NW, Ste. 900  
 Washington, DC 2005  
 Phone: 202.508.4693  
 Email: paul.schoenhard@ropesgray.com

1 Carter G. Phillips  
Brain R. Nester  
2 SIDLEY AUSTIN LLP  
1501 K Street NW  
3 Washington, DC 20005  
Phone: 202.736.8711  
Email: cphillips@sidley.com  
4 Email: bnester@sidley.com

5 Dated: November 13, 2012

  
Genevieve Schmidt

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